

**REMARKS**

Initially, Applicant expresses appreciation to the Examiner for the detailed Official Action provided and for the Advisory Action provided.

Additionally, Applicant expresses appreciation to the Examiner for the brief telephone discussion of December 3, 2009. During the telephone discussion, the Examiner indicated that the Applicant's request for a telephone interview and corresponding interview agenda were received and considered, but that the substance of the interview would require further consideration of the applied references by the Examiner, and thus, was denied. However, the Examiner did indicate that if a Submission under 37 C.F.R. § 1.114 was submitted (concurrently with a Request for Continued Examination) which set forth arguments generally in accordance with the arguments submitted in the interview agenda, then the Examiner would not issue a first final action in response thereto.

Upon entry of the present paper, claims 1, 5, 9, and 11 will have been amended. In this regard, Applicant notes that the amended claims are based upon the claim set as set forth in the Response filed on November 11, 2009, which was indicated to be entered by the Advisory Action dated November 19, 2009. The herein-contained amendments should not be considered an indication of Applicant's acquiescence as to the propriety of the outstanding rejection. Rather, Applicant has amended claims 1, 5, 9, and 11 to enhance clarity in order to advance prosecution and obtain early allowance of the claims in the present application. Thus, upon entry of the present paper, claims 1-9 and 11-21 are pending in the present application, with claims 1, 5, and 9 being in independent form.

Applicant addresses the rejections provided within the Final Official Action below and respectfully requests reconsideration and withdrawal of the outstanding rejections together with an indication of the allowability of claims 1-9 and 11-21 (*i.e.*, all pending claims) in the next Official communication. Such action is respectfully requested and is now believed to be appropriate for at least the reasons provided below.

### **Objections to the Specification**

Initially, Applicant notes that the specification was objected to in the Final Official Action dated July 8, 2009. In this regard, the Examiner indicated, in the Advisory Action dated November 19, 2009, that the objection has been withdrawn based upon the Response filed November 11, 2009. Applicant expresses appreciation to the Examiner for the withdrawal of the objection.

### **35 U.S.C. § 102 Claim Rejections**

In the outstanding Final Official Action, claims 1-2, 5-6, 9, 18, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Appl. Pub. No. 2002/0002586 to Rafal et al. (hereinafter "RAFAL").

Initially, Applicant notes that, upon entry of the present paper and without acquiescing in the propriety of the above-captioned rejection, independent claims 1, 5, and 9 (*i.e.*, all independent claims) will have been amended to enhance clarity. In this regard, Applicant respectfully traverses the rejection.

Amended independent claim 1 generally recites an electronic chat joining method including, in part, a chairman video game terminal that requests a server to open a chat, wherein the server opens the chat by setting an area of a database for storing chat messages. Setup information for accessing the area of the database to be set by the server

is stored in a storage of the chairman video game terminal before the server sets the area of the database. Thereafter, the chairman video game terminal creates an invitation message that includes the setup information, and transmits the invitation message to a guest video game terminal. According to amended independent claim 1, the chairman video game terminal creates and transmits the invitation message that includes the setup information for accessing the area of the database while the server is setting the area of the database. According to such features as recited in the claimed combination of independent claim 1, the chairman video game terminal creates and transmit the invitation message *while* the server is setting the area of the database. In other words, the chairman video game terminal requests a server to open an electronic chat, and, since the setup information is stored in the chairman video game terminal *before* the server sets the area of the database, the chairman video game terminal creates and transmits invitation messages, including the setup information, *while* the server sets the area of the database. Applicant respectfully submits that RAFAL fails to disclose such features.

To the contrary, RAFAL discloses a method of creating and customizing online parties or gatherings (RAFAL, Abstract). According to RAFAL,

[S]erver computer(s) store data defining one or more template web pages that implement one or more activities in which users may participate. One of the users serves as the host of the online gathering party and provides a guest list identifying other invited users. In response to the host's selection of a gathering type, and possibly a specific theme for the gathering type, ***the server constructs a set of preliminary web pages*** that conform to the selected gathering type and theme. ***Thereafter***, the host may further "decorate" the preliminary web pages . . . . The host may designate a time or time range during which the online gathering will occur, and ***may provide an invitation list that may include email addresses of users who are then sent email invitations*** in advance of the scheduled gathering time. (RAFAL, Abstract) (emphasis added).

Accordingly, in view of the above and contrary to the recitations of independent claim 1, RAFAL teaches that an area of a database is set for an online party (*i.e.*, the preliminary web pages are constructed), and, thereafter, email invitations are created and transmitted to users.

In the outstanding Final Official Action and the Advisory Action, it is asserted that the feature of RAFAL, as disclosed by ¶¶[0085], [0086], and [0037], of storing a cookie on a user's browser discloses the feature of the present application of storing setup information, for accessing the area of the database, in a storage of the chairman video game terminal. Initially, Applicant notes that independent claim 1 has been amended to clarify that the setup information is stored in the storage of the chairman video game terminal *before* the server sets the area of the database. In this regard, Applicant submits that the cookie, as disclosed by RAFAL, cannot be reasonably interpreted to be stored on the user's browser *before* the server sets the area of the database (*i.e.*, before the preliminary web pages are constructed). That is, the cookie is stored on the user's browser *after* the user accesses the area of the database (*i.e.*, the constructed preliminary web pages) so that the user can be identified in later sessions (*see* RAFAL, ¶[0086]). Accordingly, at least in view of the above, Applicant submits that RAFAL fails to disclose the feature of amended independent claim 1 of storing setup information in the chairman video game terminal *before* the server sets the area of the database.

In the outstanding Final Official Action and the Advisory Action, it is further asserted that ¶¶[0119] and [0037] of RAFAL disclose the feature of the present application of creating and transmitting, by the chairman video game terminal, while the server is setting the area of the database, an invitation message including the setup

information stored in the chairman video game terminal. In this regard, Applicant initially notes that RAFAL fails to disclose that setup information is stored in a host computer, and thus, cannot be reasonably interpreted to disclose that an invitation message, that includes the setup information stored in the host computer, is created and transmitted by the host computer. Assuming, *arguendo*, that the cookie of RAFAL is interpreted to be the setup information of the present application, Applicant respectfully submits that RAFAL fails to disclose that an invitation is created that includes the cookie and further submits that, for at least for the reasons set forth above, RAFAL cannot be reasonably interpreted to disclose that an invitation message including the cookie is created while a server sets an area of the database (*i.e.*, while the preliminary web pages are constructed).

Contrary to the recitations of amended independent claim 1, RAFAL merely discloses that a host computer can enter, at a server computer via an HTML form or common gateway interface program, a list of email addresses and a text of an invitation, and that the server computer transmits the invitation to the invitees (RAFAL, ¶[0032], ¶[0119]). Furthermore, as noted above, RAFAL discloses that the email invitations are sent after the area of the database is set (*i.e.*, after the preliminary web pages are constructed). Accordingly, at least in view of the above, Applicant respectfully submits that RAFAL fails to disclose the feature of amended independent claim 1 of creating and transmitting, by the chairman video game terminal, *while* the server is setting the area of the database, an invitation message including the setup information stored in the chairman video game terminal.

Therefore, since RAFAL fails to disclose each and every feature recited by amended independent claim 1, Applicant respectfully submits that RAFAL fails to anticipate amended independent claim 1 under 35 U.S.C. § 102. Furthermore, Applicant submits that amended independent claims 5 and 9 of the present application generally recite a system and storage medium each including a similar combination of features as those set forth in amended independent claim 1. Therefore, Applicant respectfully submits that RAFAL similarly fails to anticipate these claims. Thus, Applicant respectfully requests that the 35 U.S.C. § 102 rejection of independent claims 1, 5, and 9 is withdrawn in the next official communication and that independent claims 1, 5, and 9 are indicated to be allowable.

With respect to the 35 U.S.C. § 102 rejection of dependent claims 2, 6, 18, and 20, Applicant submits that these claims are all directly dependent from one of amended independent claims 1 and 5, which are allowable for at least the reasons discussed *supra*. Thus, these dependent claims are submitted to also be allowable for at least the reasons discussed *supra*. Furthermore, all dependent claims recite additional features which further define the present invention over the references of record.

### **35 U.S.C. § 103 Claim Rejections**

In the outstanding Final Official Action, claims 3-4 and 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RAFAL in view of U.S. Pat. No. 7,177,905 to Slutsman et al. (hereinafter "SLUTSMAN"), claims 11-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RAFAL in view of U.S. Pat. No. 7,216,144 to Morris et al. (hereinafter "MORRIS"), claims 17, 19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RAFAL in view of U.S.

Pat. Appl. Pub. No. 2009/0106416 to Cohen et al. (hereinafter "COHEN"), and claims 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over RAFAL in view of SLUTSMAN.

Applicant respectfully traverses these rejections. Specifically, Applicant submits that claims 3-4, 7-8, 11-17, 19, and 21 are all directly or indirectly dependent from one of amended independent claims 1, 5, and 9, which are allowable for at least the reasons discussed *supra*. Furthermore, Applicant submits that SLUTSMAN, MORRIS, and COHEN fail to cure the deficiencies of RAFAL. That is SLUTSMAN merely discloses that a subscriber who desires to host a conference transmits a request to a web service control point, and the web service control point broadcasts an invitation to potential conference participants (SLUTSMAN, Abstract), MORRIS is merely relied on in the outstanding Final Official Action to disclose creating a chat opening message, and COHEN is merely relied upon to disclose transmitting an invitation answer signal from a guest video game terminal in response to receiving an invitation. Thus, in view of the above, Applicant submits that these dependent claims are also allowable for at least the reasons discussed *supra*.

At least in view of the above, Applicant respectfully submits that each and every pending claim of the present application (*i.e.*, claims 1-9 and 11-21) meets the requirements for patentability. Accordingly, the Examiner is respectfully requested to withdraw the objection to the specification and the 35 U.S.C. § 102 and 35 U.S.C. § 103 rejections and to indicate the allowance of each and every pending claim in the present application.

### **CONCLUSION**

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or renders obvious the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

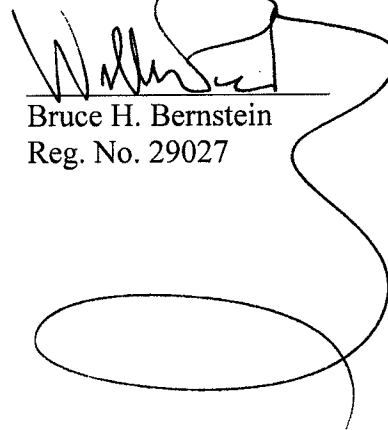
Applicant notes that the amendments to the claims are to be considered merely clarifying amendments that are cosmetic in nature, and are not intended to narrow the scope of the claims. Accordingly, this amendment should not be considered a decision by Applicant to narrow the claims in any way.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.



If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Kazutoyo MAEHIRO

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal line. A long, looping flourish extends from the end of the signature, curving downwards and then back up towards the right side of the page.

Bruce H. Bernstein  
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December 8, 2009  
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